IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 12TH DECEMBER 2007 / 21ST AGRAHAYANA 1929

WP(C).No. 11821 of 2007(G)

PETITIONER:

JISHAD UPPUNGAL SIVANANDAN,
AGED 25 YEARS, S/O SIVANANDAN,
UPPUNGAL HOUSE, EDAKAZHIYOOR P.O.,
THRISSUR - 680 515.

BY ADV. SRI.A.F.SEBASTIAN
SMT.A.P.ABHIRAMI

RESPONDENT:

REGIONAL PASSPORT OFFICER,
PASSPORT OFFICE BUILDING,
PANAMPILLY NAGAR, COCHIN.

BY ADV. SRI.P.A.MOHAMMED SHAH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

WPC.NO.11821/2007 G

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE LETTER DTD. 15/07/2005 ISSUED BY THE RESPONDENT.**

EXT.P2: **COPY OF THE A/D CARD RECEIVED BY THE PETITIONER FROM THE SUPDT. OF POLICE, MEHSANA.**

EXT.P3: **COPY OF THE LETTER ISSUED BY M/S.RAMSON ENGINEERING INDUSTRIES MEHSANA, ADDRESSED TO THE SUPDT. OF POLICE, MEHSANA.**

1ST RESPONDENT'S EXHIBITS:

EXT.R1A: **COPY OF THE REPORT FURNISHED BY THE SUPDT. OF POLICE MEHSANA DTD. 10/12/2004.**

EXT.R1B: **COPY OF THE LETTER ISSUED BY THE RESPONDENT DTD. 07/03/2005.**

EXT.R1C: **COPY OF THE LETTER ISSUED BY THE RESPONDENT DTD. 15/07/2005.**

EXT.R1D: **COPY OF THE LETTER ISSUED BY THE RESPONDENT DTD. 11/01/2007.**

EXT.R1E: **COPY OF THE LETTER ISSUED BY THE SUPDT. OF POLICE, MEHSANA DTD. 25/01/2007.**

EXT.R1F: **COPY OF THE LETTER ISSUED BY THIS RESPONDENT TO THE PETITIONER DTD. 19/02/2007.**

/TRUE COPY/

P.S.TO JUDGE

KSS

ANTONY DOMINIC, J.

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W.P.(C) No. 11821 OF 2007 G

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Dated this the 12th December, 2007

J U D G M E N T

Petitioner had applied to the respondent for the issue of a passport. In the application as also in the writ petition the petitioner has disclosed that he was a resident of Gujarath along with his brother Shri. Prabhakaran, and his address in Gujarath is indicated to be, Jishad Uppungal Sivanandan, C/o. Prabhakaran, Ramson Engineering Industries, GIDC Estates, C-1,178/2, Mehsana, Gujarath-384 002. By Ext. P1, the respondent has requested the petitioner to furnish his complete address at Gujarath for processing the application made by the petitioner. It is on receipt of Ext. P1, that this writ petition has been filed praying for a direction to the respondent to issue passport to the petitioner within a shortest definite time frame.

2. The counter affidavit filed by the respondent shows that on receipt of the application of the petitioner, when it was disclosed

that the petitioner was a resident of Gujarath, the address furnished by the petitioner was forwarded to the Superintendent of Police, Mehsana, Gujarath, for verification. It is stated that on 10-12-2004 Ext. R1 report was received from the Supdt. Of Police stating that no such person was available in the GIDC area and the address furnished is also incomplete. The respondent has also produced Ext. R1D a communication issued to the Supdt. Of Police, Mehsana, Gujarath. In this communication the petitioner's name is shown as G. Prabhakaran. The initial shown in Ext. R1D is taken as No. 9 and it is on that basis the Supdt. of Police, Mehsana has issued Ext. R1E stating that there is no such addressee and that the person is not traceabale.

3. From the above facts, it is obvious that it is on account of the report received from the Supdt. Of Police, Mehsana the respondent concluded that there was no such addressee in Gujarath. It is on that basis further information on the complete address of the petitioner was called for by the respondent by issuing Ext. P1.

4. A reading of the counter affidavit and the documents annexed therewith show that the confusion is created by the

respondent only. Exts. R1A and R1D show that the full address of the petitioner was not furnished to the Supdt. Of Police. With the address that is furnished to the Supdt. Of Police, he could not trace out the addressee and it is therefore that had given a report that the address is incomplete. Therefore, the respondent should take up the matter afresh with the Supdt. Of Police, Mehsana furnishing the full address of the petitioner as given in this judgment which is extracted from paragraph 1 of the writ petition itself:

> "Jishad Uppungal Sivanandan, C/o. Prabhakaran, Ramson Engineering Industries, GIDC Estates, C-1,178/2, Mehsana, Gujarath -384 002."

5. In view of the above, I dispose of this writ petition directing that the respondent shall furnish the Gujarath address of the petitioner as indicated in this judgment and obtain a report from the Supdt. Of Police, Mehsana, Gujarath. On receipt of the report, the respondent shall process the application made by the petitioner for issuing a passport to him.

6. Now that the respondent has to take up the matter to Gujarath Police and the Gujarath Police are yet to conduct an investigation and furnish a report, this Court is not in a position to

fix any definite time frame in the matter. However, having regard to the urgency pointed out by the petitioner as he has a visa to go abroad to earn a living, I direct that the respondent shall expedite the process and ensure that the information is collected and the application of the petitioner is processed without delay.

ANTONY DOMINIC
JUDGE

jan/-